

**THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE,)	
)	
v.)	ID#: 1101004755
)	
MICHAEL L. CHURCH,)	
Defendant.)	

ORDER

**Upon Defendant's Motion for Reconsideration of Denial of his Motion to
Withdraw Guilty Plea – *DENIED***

1. On February 16, 2012, the order denying Defendant's, *pro se*, motion to withdraw his September 20, 2011, guilty plea was docketed. As the order explains, the court relied on Defendant's repeated admissions of actual guilt, along with the corroborating physical evidence, e.g. DNA, to find the plea was knowing, voluntary, and in Defendant's best interest.

2. The order also explained that although Defendant's misconduct met the terms of Rape in the fourth degree, because he impregnated a fifteen year old, his misconduct also amounted to Rape in the first degree and other serious felonies. Defendant was potentially guilty of Rape in the first of degree regardless of whether he used force or the child was willing, as he claims. Thus, Defendant's guilty plea

to one count of sexual abuse of a child and one count of sexual abuse of a child by a person in position of trust was sound.

3. On February 27, 2012, the Prothonotary docketed Defendant's, *pro se*, "Motion for Reconsideration of Plea Withdrawal," dated February 22, 2012.

4. In his motion for reconsideration, Defendant accuses the child. Defendant also provides his interpretation of the DNA analysis. In summary, he concludes that the DNA results are faulty because they show too many similarities between him, the victim (who is not a blood relation), and the baby.

5. Defendant continues to blame his lawyer, without explaining why he finally told the court, orally and in writing, he was satisfied with the work his lawyer did. And, Defendant does not explain why he repeatedly told the court that he was guilty and he wanted to plead guilty instead of going to trial that day.

6. Simply put, Defendant provides no reason for reconsideration of the order docketed February 16, 2012. Defendant's plea was knowing, voluntary, intelligent, and in his best interest, as the order explains.

For the foregoing reasons, Defendant's Motion for Reconsideration is **DENIED**, without prejudice to counsel's supplementing the record with the DNA test results. Moreover, Defendant's attorney has leave to file a motion on Defendant's behalf, provided the motion makes a colorable claim of actual innocence, an

explanation for Defendant's assurances during the plea colloquy, and a certification that Defendant is aware that he has not been offered the opportunity to plead guilty to Rape in the fourth degree as he prefers, which means trial, almost certain conviction and virtual life imprisonment.

The Prothonotary **SHALL** reject any request for further reconsideration or reargument filed by Defendant, himself, before sentencing on March 9, 2012.

IT IS SO ORDERED.

Date: March 2, 2012

/s/ Fred S. Silverman
Judge

cc: Prothonotary (Criminal)
Annemarie Hayes, Deputy Attorney General
Dade D. Werb, Esquire
Michael L. Church, Defendant